

**AN ORDINANCE
BY COUNCILPERSON CLAIR MULLER**

02-0 -0089

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A FRANCHISE AGREEMENT WITH BROADWING TELECOMMUNICATIONS SERVICES, INC. FOR THE PROVISION OF TELECOMMUNICATIONS SERVICES USING PUBLIC RIGHT-OF-WAY; AND FOR OTHER PURPOSES

WHEREAS, Broadwing Telecommunications Services, Inc., has applied for a franchise to provide telecommunications services on, under, over and through the public right-of-way of the City; and

WHEREAS, Broadwing Telecommunications Services, Inc., has negotiated a franchise agreement with the City which provides such access and preserves the rights of the City;

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:

SECTION 1. That the Mayor be and is hereby authorized to execute a franchise agreement in with Broadwing Telecommunications Services, Inc., for use of the public right-of-way for telecommunication purposes.

SECTION 2. That such franchise agreement shall expire and terminate on March 31, 2003.

SECTION 3. That Broadwing Telecommunications Services, Inc., shall pay a franchise fee of three percent (3%) of gross revenues.

SECTION 4. That the City Attorney shall prepare a franchise agreement document, which shall be approved by the City Attorney as to form

SECTION 5. That said franchise agreement shall not be binding on the City until approved by the Mayor and delivered to Broadwing Telecommunications Services, Inc.